

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:18CR249-2
	:	
LEE MARVIN HARRIS, JR.	:	

FACTUAL BASIS

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Federal Rules of Criminal Procedure, states the following:

From June 2017 through January 2018, the Southern Pines Police Department (SPPD) conducted multiple controlled buys of user quantities of suspected cocaine base from co-defendant Lamar Orlando Sealy (Sealy) at various locations in Southern Pines and Aberdeen. Each time, SPPD utilized its standard controlled buy protocols. They met at a predetermined location with a Confidential Source (CS) and searched both his/her person and his/her car prior to the planned buy to make certain that he/she had no contraband. The SPPD then provided the CS with drug fund money to purchase the narcotics. The CS would then call Sealy and proceed to the location that Sealy chose. SPPD would maintain surveillance to ensure that the CS went

nowhere else. They would then meet with the CS after the buy, take possession of the purchased narcotics, and search both the CS and his car. The buys took place at 811 W. New York Ave., Southern Pines (a vacant home used by members of the conspiracy) and other locations.

Law enforcement observed, during this time, that Defendant Lee Marvin Harris, Jr. (Harris Jr.) frequented 811 W. New York Avenue with other members of the conspiracy, including Lamar Sealy and Christian Jovan Terry (Terry). Detectives also received a state court order authorizing the use of a pole camera in the vicinity to monitor the activities of these individuals, who were seen conducting hand-to-hand transactions with visitors. Law enforcement also recovered a voluminous number of images from social media postings capturing Harris Jr., Sealy, and Terry together.

On or about January 25 and January 31, 2018, officers surveilled the residence at 803 Sycamore Street, Aberdeen, NC. Harris Jr.'s parents live at the Sycamore Street residence, and Harris Jr. often stayed at the residence during 2017 and 2018. On both surveillance occasions, Harris Jr. arrived at the residence and then went over to a Cadillac covered with a gray car cover for a few minutes, consistent with placing and item in or retrieving an item from the vehicle. Powder cocaine and crack cocaine were later recovered from that covered Cadillac on February 20, 2018, pursuant to a search warrant.

On February 7, 2018, officers with the SPPD were conducting surveillance on the abandoned residence located at 811 W. New York Ave., with the written consent of the property management company, Hasty Heritage, L.L.C., when Sgt. Edwards saw Harris Jr. arrive in a white Toyota SUV. Harris Jr. walked onto the porch of the home, moved a set of glass windows lying against the front steps of the residence, and placed an object underneath the first step. Harris Jr. looked around to make certain no one was watching him, and then walked to the rear of the residence along the east side of the building. He then walked from the rear along the west side of the structure and leaned over a trash can and a tire. Harris Jr. was holding a white object in his left hand. He placed the object behind the tire, returned to his car, and left the residence.

Sgt. Edwards went to inspect the object Harris Jr. left behind. He saw a hole in the foundation of the home behind the tire and lying on top of this hole was a ball of plastic bags slightly smaller than a tennis ball. He retrieved the item. It was field tested and returned positive results for the presence of heroin. According to the Drug Enforcement Administration Southeast Laboratory report, the substance was 18.2 grams (net weight) of heroin.

On February 20, 2018, the SPPD and Aberdeen Police Department executed a search warrant on the residence at 803 North Sycamore Street in

Aberdeen. Harris Jr.'s father, Lee Marvin Harris, Sr., was the only individual present. Officers searched the reddish-orange Cadillac on the property covered by a gray car cover. Behind the rear arm rest, Lt. Marsh found suspected powder cocaine and cocaine base, as well as digital scales. According to the Drug Enforcement Administration Southeast Laboratory report, the substance was 12.08 grams (net weight) of cocaine base and 82.66 grams (net weight) of cocaine hydrochloride.

Officers found multiple documents in one bedroom identifying Harris Jr. as its occupant, including his driver's license and mail addressed to him that both listed the 803 North Sycamore address. They also saw a tapestry hanging on the wall depicting a photograph taken of Harris, Jr., Sealy, Terry, and others. A Springfield XD40 .40 caliber handgun was found on the top shelf of the closet. Harris Sr. was Mirandized and interviewed. When asked about firearms in the residence, he said that there was an old long gun in his closet and a handgun under his bed. He did identify the bedroom where the Springfield handgun was located as belonging to Harris Jr. Following his arrest on February 20, 2018, Harris Jr. told law enforcement that 803 Sycamore was his residence.

Also on February 20, 2018, the SPPD executed a search warrant at 1090 West Indiana Avenue in Southern Pines. Harris Jr. was present in the first

bedroom at the time of the search. In the second bedroom, Sergeant Edwards found a pair of shorts on the bed with a brick of cocaine inside of the pockets weighing approximately 279 grams. In that same room, officers found a pair of jeans with Christian Terry's driver's license and \$331 in cash in the front left pocket. They also found a Yellow Sun liquid laundry detergent bottle in the closet floor with approximately \$496 in cash. In the kitchen, he saw a scale next to the stove with suspected cocaine base sitting on it and marijuana and cash on the opposite countertop. They seized multiple cellular phones from the two bedrooms. According to the Drug Enforcement Administration Southeast Laboratory report, the substance retrieved from the shorts was 277.6 grams (net weight) of cocaine hydrochloride.

Terry and Sealy were also at 1090 West Indiana Avenue with Harris Jr. Three cars were parked there: a white Toyota Venza that was still running; a silver Nissan Altima with a warm hood; and a brown Cadillac. Sergeant Embler's K9 did a sniff of the cars and alerted to the Toyota Venza. The K9 alerted to the front passenger's side floorboard. Officers found a blue Food Lion bag with two smaller clear plastic bags containing 228 grams of suspected powder cocaine and \$4,400 in cash located in the center console underneath a cell phone. Three cell phones were seized. According to the Drug Enforcement Administration Southeast Laboratory report, the substance

retrieved from the Venza was 216.4 grams (net weight) of cocaine hydrochloride. Keys for a padlock were seized from the center sunglass holder of the Venza. Earlier surveillance in the investigation indicated that Harris Jr. was using a storage locker unit in U-Stor-It in Aberdeen. Officers later secured a search warrant for a unit held in the name of Lisa Hanami (Hanami), Harris Jr.'s girlfriend, and the keys seized from the Toyota Venza opened Unit B15. They recovered suspected cocaine from the storage unit which was later verified by the Drug Enforcement Administration Southeast Laboratory as 54.8 grams (net weight) of cocaine hydrochloride.

The Toyota Venza was registered to Hanami. Based on SPPD surveillance, this car was one of two that Harris Jr. frequently drove. The SPPD had trackers on both of those cars, per Superior Court orders. The SPPD also had surveillance video of Harris Jr. driving the Toyota Venza the morning of February 20, 2018, to the Aberdeen storage unit.

On that same day prior to the execution of the search warrant at the W. Indiana Ave. residence where Harris Jr. was later located, SPPD detective Jason Perry contacted Drug Enforcement Administration Task Force Officer Barry Martin and Winston-Salem Police Department Detective William Cumbo because the SPPD had followed Harris Jr., who was driving the above-referenced Toyota Venza, to a meeting with his suspected source at the Lowe's

Home Improvement store in Asheboro, NC. Specifically, the GPS tracker placed on the Toyota Venza, which was secured by a warrant issued by the court, indicated that Harris Jr. had visited the storage unit in Aberdeen. Pole camera footage from that area showed Harris Jr. enter the storage unit and then emerge with what appeared to be a bulky item of some sort tucked underneath the front of his hooded sweatshirt. The tracker then showed the Toyota Venza driving north on Highway 220. Harris Jr. met with a Hispanic male in the parking lot of the Lowe's Home Improvement in Asheboro. That individual, later identified as Gonzalo Cervantes-Gomez, was arrested by the Winston-Salem Police Department later that same day.

This the 11th day of December, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2018, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Peter D. Zellmer, Esquire.

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